

Gregg J. Corbo

From: Gregg J. Corbo
Sent: Wednesday, December 12, 2007 10:24 AM
To: 'Debi Cornwall'; Jay Tehan
Cc: Bcsinnocence@aol.com; Emily Gordon; Monica Shah; Robert Feldman
Subject: RE: Waters expert depositions

Dear Counsel:

I am writing in response to your e-mail of December 11, 2007 regarding the schedule for expert depositions. First, with respect to the hearing on your motion to depose Trooper Hunt, I will be handling the hearing and am available anytime on December 19, 2007.

With respect to Mr. Ford, as I indicated in my letter of December 7, 2007, we cannot conduct his deposition on December 19, 2007 and our position as to that date remains unchanged.

As to Mr. Reiter, we are unable to proceed on December 26 or 27, 2007, and we are unable to proceed on January 15, 2008. Jay is on Judge Young's rolling trial list beginning on January 7, 2008 in the case of Wohlgemouth v. Stoughton, 06-cv-11729WGY, which means that he is on 24 hour notice of trial beginning on that date, as is currently preparing to same. On December 10, 2007, the Court denied a Motion to Stay, thus solidifying that date. As such, Jay will be unable to proceed with these depositions in January. Further, given your efforts to conduct further fact discovery in this case, we suggest that the depositions be scheduled in February.

Since we will require the Court's approval to extend the scheduling order, I recommend that we prepare a Motion for filing prior to December 19, 2007 and that we request that it be addressed by the Judge during the hearing. Please advise as to whether you will assent to such Motion and if so, what dates you are available in February.

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From: Debi Cornwall [mailto:debi@cncivilrights.com]
Sent: Tuesday, December 11, 2007 10:52 AM
To: Gregg J. Corbo; Jay Tehan
Cc: Bcsinnocence@aol.com; Emily Gordon; Monica Shah; Robert Feldman
Subject: Waters expert depositions

Dear counsel,

To follow up on my call to Gregg yesterday in response to his letter regarding scheduling of expert depositions, I understand that you are not available for Mr. Ford's deposition on 12/17 and want a 30-day extension on expert

depositions. Based on the timing of your Nov. 30 production of the Ford report, we had hoped to complete both the Ford and Reiter depositions in December to comply with Judge Dein's 30-day limit. As such, looking at Barry's and Lou Reiter's very tight schedule over the next six weeks, I proposed that we reschedule the Ford deposition to 12/19, and do Mr. Reiter's deposition on 12/26 or 12/27. I understand from Gregg that Jay will be on vacation all of Christmas week. I do think we should start the process given the judge's order and the difficulty we will have in getting dates the deponent and relevant counsel are available into January.

Thus, I ultimately proposed to do the Ford deposition on 12/19 and the Reiter deposition on 1/15. Under those conditions we would stipulate to extend the expert deposition deadline. Please advise today if at all possible, as we will need to prepare for the Ford deposition if it is to take place next week and, if we do not have mutually acceptable dates will need to make an application to Judge Dein.

Best,

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